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Before the
FEDERAL COMMUNICATIONS COMMISSION

will result in an earth station being deemed to be "operationally connected with a domestic common carrier system and used to exchange the carrier's common carrier traffic with the Intelsat system" ("operationally connected" earth stations). Third, in response to the Commission's inquiry, IDB submits that deregulation of receive-only earth stations used to provide transborder services is necessary and appropriate, so long as the satellite has been consulted by INTELSAT and approved by the Commission for use in the U.S.

A. Deregulation of Receive-Only Mobile Satellite Service Terminals.

IDB urges the Commission to eliminate any licensing requirement that may apply to receive-only terminals operating in the mobile satellite service ("MSS"), whether such terminals are fixed or mobile. The Commission's NPRM, by its terms, appears to apply only to terminals operating in the fixed satellite service ("FSS"). Nonetheless, the Commission proposes to eliminate the licensing requirement for mobile terminals operating in the FSS (NPRM at ¶ 17), although such terminals will not be eligible for ~~registration (and protection from frequency interference)~~ NPRM

ceive-only earth stations, whether operating in the FSS or the

MSD and receiving services having no transmit capability and

mined that Brightstar's proposed use of receive-only international satellite earth stations to provide television service was permissible under the Satellite Act, because the earth station would not be "operationally connected." In the Reuters decision, the Commission determined that INTELNET and International Business Service ("IBS") earth stations also were not "operationally connected," and therefore, could be licensed to non-common carriers. The proposal in the NPRM to deregulate all receive-only international earth stations except those "operationally connected" will raise yet another round of questions as to what constitutes being "operationally connected."

IDB suggests that the Commission adopt a clear definition of what constitutes "operationally connected" earth sta-

C. Transborder Services.

The Commission should deregulate all international receive-only earth stations not "operationally connected," including receive-only earth stations used to provide transborder services, so long as the satellite has been consulted by INTELSAT

EXHIBIT A

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 20 1992

In re Petition of

COMMUNICATIONS SATELLITE CORPORATION

For repeal of Section 25.131(j)(1)
of the Commission's Rules and, in the
interim, for waiver of that Section
as it applies to services provided
via the INTELSAT K satellite.

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) RM-7931
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Federal Communications Commission
Office of the Secretary

To: Chief, Common Carrier Bureau

COMMENTS OF
IDB COMMUNICATIONS GROUP, INC.

IDB Communications Group, Inc. ("IDB") hereby submits its comments in support of Communications Satellite Corporation's ("Comsat") petition for repeal of Section 25.131(j)(1) of the Commission's Rules. Section 25.131(j)(1) currently requires entities operating receive-only earth stations with INTELSAT space stations to file applications on FCC Form 493 requesting licenses for such stations. IDB urges the Commission to repeal Section 25.131(j) in its entirety, and thereby eliminate the licensing requirement for all receive-only international earth stations. Such deregulation will promote the Administration's goal of eliminating burdensome regulations that impose unnecessary costs and delays on U.S. businesses.

I. Introduction

On February 20, 1992, Comsat filed a Petition for repeal and, in the interim, for waiver of Section 25.131(j)(1) of the Commission's Rules as it applies to services provided via the

new INTELSAT K satellite.^{1/} IDB fully supports Comsat in its petition for repeal of the licensing requirement for international receive-only earth stations operating with Intelsat satellites. The same deregulatory policy should be applied to all international receive-only earth stations operating with separate satellite systems, including receive-only transborder services provided by the ANIK and Morelos satellite systems. The time has come for the Commission to eliminate the licensing requirement for all receive-only earth stations, whether operating with international or domestic satellite systems.

II. The Commission's Policy Of Not Requiring Licenses For Domestic Receive-Only Earth Stations (But Allowing Registration) Should Be Extended To All Receive-Only Stations.

Domestic receive-only earth stations have been deregulated.^{2/} As a result, the Commission no longer requires applications for receive-only facilities, and in the case of Ku-

^{1/} The Commission separated Comsat's Petition into a request for a waiver to provide services via the INTELSAT K satellite (File No. ISP-92-004) and a request for repeal of 47 CFR Section 25.131(j)(1) (RM-7931). IDB takes no position on Comsat's INTELSAT K waiver request.

^{2/} On October 18, 1979, the Commission, in CC Dkt. No. 78-374, concluded that the public interest would be served by the immediate implementation of a voluntary licensing program for receive-only earth stations, complete deregulation of unlicensed receive-only earth stations, and initiation of a rulemaking proceeding to establish new procedures for, inter alia, possible total deregulation of all receive-only earth stations. See First Report and Order, FCC 79-665, released November 7, 1979, ¶ 2.

band receive-only facilities, the Commission no longer accepts applications.^{3/}

The primary purpose of Title III licensing is to conserve spectrum and to prevent harmful interference to other users of radio frequencies. Receive-only earth stations, both domestic and international, are passive devices having no transmit capability, and, therefore, cannot possibly create interference with any satellites or other users of radio frequencies. There is no need to require full Title III licensing since receive-only earth stations do not implicate the regulatory concerns that Title III licensing addresses. In addition, such earth stations also would be subject to Section 705 of the Communications Act which would cover any problems raised by the ITU Radio Regulations regarding unauthorized interception of private radio communications.

Domestic receive-only earth stations are subject to a voluntary registration program.^{4/} This program provides interference protection for C-band receive-only earth station operators. IDB submits that international receive-only earth stations should be eligible for registration for operations where fixed-satellite service downlinks share frequency bands with other services (e.g., C-band and portion of international Ku-band).

^{3/} See Second Report and Order, FCC 86-133, released April 10, 1986, in CC Dkt. No. 78-374, ¶ 12.

^{4/} 47 CFR § 25.131(b).

This voluntary registration would afford the same protection from interference as a license.

IDB is unaware of any problems created by the deregulation of domestic receive-only earth stations. IDB submits that the extension of deregulation to international receive-only earth stations will not create any new problems. The Commission's objective of minimizing regulatory burdens in this area is fully supported by over ten years of experience gained since deregulation of domestic receive-only earth stations was implemented in 1979.

Deregulation of domestic receive-only earth station has greatly benefitted IDB and other earth station providers by allowing immediate construction and operation of receive-only facilities in response to customer requirements. This deregulation should be extended to all receive-only earth stations as expeditiously as possible so that earth station providers will have the flexibility to immediately meet their customers' needs for international receive-only facilities without unnecessary costs or undue regulatory delay.

WHEREFORE, IDB Communications Group, Inc. supports the
repeal of Section 25.131(j) of the Commission's Rules.

Respectfully submitted,

IDB COMMUNICATIONS GROUP, INC.

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April 20, 1992

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CERTIFICATE OF SERVICE

I, Susanne Deljoubar, do hereby certify that I have this 12th day of May, 1993 sent by first-class U.S. mail, postage prepaid copies of the foregoing "Comments of IDB Communications Group, Inc." to the following:

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